

REMARKS

This response is offered to the Office Action of December 7th, 2004. With this response, Applicant has amended claims 1, 11, 13, 16, 20, 23-30, 33-35 and 39, as above, while claims 12, 17-19, 21, 22, 36-38 and 40-45 have been withdrawn from consideration without prejudice. Support for the claims can be found in the original specification, figures and/or claims and, in this regard, no new matter has been introduced.

Applicant believes that the foregoing amendments and following remarks to be fully responsive to the outstanding office Action. Upon entry of the foregoing amendments and consideration of the following remarks, Applicant respectfully requests favorable reconsideration of the pending application.

§102(e) Rejection of Claims 43-45

On pages 2 and 3 of the Action, claims 43-45 were rejected as being anticipated by the Andrews reference, pursuant to 35 USC §102(e).

Applicant has withdrawn such claims from consideration, without prejudice, rendering such rejection moot.

§103(a) Rejection of Claims 1-42

In paragraphs 1 and 2 (restarted on page 4) of the Action claims 1-42 were rejected as being unpatentable over a patent issued to Rich (USP 5,940,452) in view of a patent issued to Andrews, et al. (USP 6,646,615). In response, Applicant has amended certain of the claims to more clearly distinguish the claimed invention over that of the cited references.

In particular, Applicant has amended claims 1, 11, 20, 30 and 39 to more clearly claim a mobile communications device endowed with a single antennae structure composed of a plurality of electric dipole antennae and a plurality of magnetic dipole antennae to introduce an associated

(N+M) plurality of uncorrelated spatial streams into either the transmit and/or receive communication paths. To make the most use of such independent, uncorrelated spatial streams, the referenced claims also include an element of signaling to enable the receiving station to beneficially receive and process such signals.

In contrast, neither Rich nor Andrews disclose or suggest the use of multiple electric dipole antennae and magnetic dipole antennae disposed in a common antennae structure on a mobile communications device to merely introduce multiple, uncorrelated spatial channels. Rather, the Action relies on citations from Rich wherein a BTS may support multiple (electric dipole) antennae to introduce simple diversity. Neither reference provide support for the claimed signaling to implement the multiple spatial channels.

Moreover, Applicant respectfully submits that to introduce the antennae structure of Andrews onto a mobile communications device of Rich would render the Rich device inoperable. For example, in a receive operation, the multiple antennae generate a commensurate number of uncorrelated spatial streams from the received signal(s). In response, the receiver of the mobile communications device must independently process each of these spatial streams prior to a combining operation. The Rich reference fails to disclose or suggest a receiver in the mobile communications device capable of such receive processing. Thus, the proposed combination would not function in accordance with the claimed device.

For at least the foregoing reasons, Applicant respectfully submits that claims 1, 11, 20, 30 and 39 are patentable over at least the cited references. Accordingly, Applicant respectfully requests that the §103(a) rejection of claims 1, 11, 20, 30 and 39 be withdrawn.

Applicant notes that claims 2-11, 13-16, 23-29 and 31-35 each depend from patentable base claims 1, 11, 20 or 30, respectively. Accordingly, Applicant respectfully submits that in

addition to any independent basis for patentability, such claims are likewise patentable over the cited references by virtue of at least such dependency. Thus, Applicant respectfully requests that the §103(a) rejection of such claims be withdrawn.

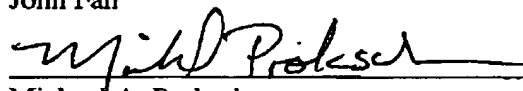
CONCLUSION

Applicant respectfully submits that pending claims 1-11, 13-16, 19-35 and 39, as selectively amended, are in condition for allowance, and earnestly awaits notice thereof. Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #50-0221. If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned is respectfully solicited.

Respectfully submitted,
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by:



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